THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17016 of 2007

Dated: 13.08.2007

Between:

D.Satyanarayana.

..... PETITIONER

AND

The Government of Andhra Pradesh,
rep.by the District Collector, Ranga Reddy District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17016 of 2007

ORDER:

Land admeasuring Acs.2.00 in survey No.23/F situated at Ahmedguda Village, Keesara Mandal, Ranga Reddy District, was assigned to D.Rangaiah in 1967. The petitioner claims to be his son, who succeeded to the land after demise of D.Rangaiah. Be that as it is third respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) and passed orders on 25.06.2005 for resumption of said land. In said proceedings, third respondent observed that the land assigned to D.Rangaiah was found to be in occupation of Chindam Chenna Mallaiah (not a party to this writ petition) who allegedly purchased the same under an unregistered loan document. For this reason the land was ordered to be resumed. Against said order the

petitioner, who is allegedly still in possession and who denies the allegation found in the impugned order, preferred an appeal under Section 4-A of the Act before second respondent, which is still pending. Nonetheless the petitioner approached this Court alleging that pending the appeal third respondent initiated necessary action for distribution of the land as house site pattas. He alleges that he raised paddy, maize and chillies and that if he is dispossessed from the land pending the appeal, he would suffer great loss.

While making submissions, the learned counsel for the petitioner submits that the petitioner has also made an application for interim stay but second respondent did not pass any orders. He also alleges that there is a serious threat of dispossession. These allegations are denied by the learned Assistant Government Pleader for Revenue.

Availing of the alternative remedy of appeal under statute bars a writ petition is a settled proposition. Therefore, *ex facie* this writ petition is not maintainable. Admittedly the appeal before second respondent was adjourned number of times and it stood posted today. In spite of pursuing the matter with second respondent and pressing for interim order, the petitioner filed this writ petition. Therefore, this Court is not inclined to interfere with the matter at this stage as it might create a wrong impression in the mind of the appellate authority. Liberty is given to the petitioner to approach second respondent with a copy of this order and obtain necessary orders to prevent any distribution of pattas by third respondent if there is any such move as alleged.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

13th August, 2007

Note: Issue CC by tomorrow.

B/o

ghn